



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit -- 2111  
Examiner -- Cleary, T.

May 22, 2006

In re Application of Lloyd E. Thorsbakken et al.  
Title: System and Method for  
Managing Input/Output  
Requests Using a Fairness  
Throttle

Serial No.: 10/028,161  
Filed: December 21, 2001  
Allowed: April 6, 2006  
File No.: RA 5369 (USYS.088PA)  
Customer # 27516

Mail Stop Issue Fee  
Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

SUBJECT: ISSUE FEE FOR RA 5369 (USYS.088PA)

Dear Sir:

Please charge Deposit Account No. 19-3790 in the sum of \$1,400.00 to cover payment of the Issue Fee and also the sum of \$3.00 to cover the cost of the 1 extra copy of the patent, which was allowed on April 6, 2006.

Also enclosed is a "Fee Address" Indication Form and Comments on Statement for Reasons for Allowance.

Respectfully submitted,

Charles A. Johnson  
Attorney for Applicant  
Unisys Corporation (MS 4773)  
P O Box 64942  
St. Paul, MN 55164-0942  
Reg. No.: 20,852  
Tel. No.: (651) 635-7702

CAJ/eav

I hereby certify that this correspondence is being deposited in the United States Postal Service as first class mail in an envelope addressed to: MS Issue Fee, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450 on May 22, 2006.

  
Signature

May 22, 2006  
Date of Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
Group Art Unit -- 211  
Examiner -- Cleary, T.

May 22, 2006

In re Application of Lloyd E. Thorsbakken et al.  
Title: System and Method for Managing  
Input/Output Requests Using a  
Fairness Throttle  
Serial No.: 10/028,161

Filed: 12/21/01  
Allowed: 4/6/06  
File No.: RA 5369 (USYS.088PA)  
Customer # 27516

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee  
Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Examiner's statement of Reasons for Allowance implies that the claimed invention was allowed because the prior art did not disclose specific elements. The elements characterized by the Examiner, however, even if found in the prior art, would not render the claimed invention invalid under 35 USC §102 because the claimed invention includes a number of limitations not addressed in the Reasons for Allowance. With respect to 35 USC §103, the requirements of establishing a *prima facie* case of obviousness including (1) a showing that the prior art teaches the entire claimed invention where all limitations are to be considered, and (2) that combining various prior art references is (a) suggested in the art and (b) there would be motivation to make the combination, with a likelihood of success, have not been satisfied.

Unless otherwise advised, these comments are intended, to be clarifying in a manner consistent with the law.

Respectfully submitted,

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Attorney for Applicant  
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